

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

MELISSA ANN WISNIOWSKI,

Debtor(s).

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Bk. No. **18-03466-RM3-13**

Chapter 13

Judge Randal S. Mashburn

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: November 1, 2018 IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: November 21, 2018 at 8:30 a.m. in Courtroom 1, 2 nd Floor Customs House, 701 Broadway, Nashville, Tennessee 37203

TRUSTEE'S OBJECTION TO DEBTOR'S APPLICATION FOR EXTENSION
OF TIME FOR THE DEBTOR TO FILE A CLAIM ON BEHALF OF A CREDITOR

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, respectfully objects to the application filed by the debtor seeking an extension of time in which the debtor may file a claim on behalf of a creditor, US Bank Trust National Association, which failed to file a timely proof of claim.

The last date for a creditor to file a claim expired on August 1, 2018. The debtor had up to and including August 31, 2018 in which to file a claim for a creditor. The debtor neglected to file a claim within that time.

The debtor is now requesting this Court to exercise its authority under Rule 9006(b) to extend the time for the debtor to file a claim for the creditor. In order to succeed, the debtor must allege sufficient facts to justify the extension of time as outlined in Rule 9006(b). The only excuse provided by the debtor was that the debtor "did not recognize that a claim was not filed until after expiration of the time for filing claims . . ."

Debtor's counsel was under a contractual obligation to examine the claims register and determine whether the debtor's interests would be protected by the filing of a proof of claim by the debtor. Debtor's counsel apparently failed to fulfil this responsibility.

WHEREFORE, THE PREMISES CONSIDERED, the Trustee objects to the application filed by the debtor seeking an enlargement of time for the debtor to file a claim on behalf of US Bank Trust National Association.

Respectfully submitted,

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee
P. O. Box 340019
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certifies that on or before the 30th day of October, 2018, a true and correct copy of the foregoing has been served in the following manner:

Email by Electronic Case Noticing to:

U. S. Trustee
J. Robert Harlan, Counsel for Debtor

By U. S. Postal Service, postage prepaid to:

Melissa A. Wisniowski, 103 McGregor Court, Franklin, TN 37064
Theodore K. Cummins, Padgett Law Group, 6267 Old Water Oak Road, Suite 203, Tallahassee, FL 32312

/s/ Henry E. Hildebrand, III

Henry E. Hildebrand, III
Chapter 13 Trustee